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C O N F I D E N T I A L BAGHDAD 004087

SIPDIS

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SUBJECT: PROGRESS IN IRAQI DETAINEE TRANSITION TALKS

Classified By: Classified by David C. Litt, Political-Military Affairs Counselor, for Reasons 1.4 (b) and (d)

1. (C) SUMMARY: Post and MNF-I's most recent meeting with Dr. Safa al-Safi, designated ITG interlocutor on the transition of detention operations, was in many respects encouraging. Dr. al-Safi seemed to accept the need for the ITG and its successor to assume responsibility for the detention mission, and focused conversation on the logistical details of transition and the current legal status of Coalition detainees. END SUMMARY.

2. (C) At our meeting with Dr. Safa al-Safi on October 2, 2005, he expressed an improved understanding of the detainee transition mission, asked a number of questions about CPA Order No. 3 (including whether MNF-I is following it in practice), and noted that it might be necessary to discuss - in the context of legal authorities - what ministry would handle oversight of security detainees.

3. (C) We explained again, using concrete examples, situations in which security detention proves necessary. Dr. al-Safi listened carefully to MNF-I's proposal that our joint working group play a role in teeing up the cases of detainees held for more than eighteen months to the Joint Detainee Commission for consideration if and when the need arises (which will be no earlier than January 2006).

4. (C) Al-Safi showed some concern (partly in jest) at the fact that ITG would need to fund the salaries of Iraqi guards to be trained by the USG and deployed at existing facilities in the first step of transition. "How will we pay?" he protested, laughing. "We have no money. It is enough that we will take them after you are gone, which will cause us all kinds of problems."

5. (C) MNF-I is finalizing budgeting, personnel, and facilities issues separately with the Minister of Justice; we expect (and recommended to al-Safi) that MOJ will be represented on the Working Group. Construction at the MNF-I facility at Fort Suse, which will be the first to transition, is on schedule, as is initial correction training for personnel to man it.

6. (C) We have scheduled three additional meetings in rapid succession, and have agreed to establish timelines and finalize membership of the broader USG-Iraqi Detainee Working Group. We intend to start discussions of Iraqi legal authorities for detention as soon as the full group is assembled, and have prepared specific variants consistent with the points raised in Reftel for ITG consideration.

7. (C) However, we will face a challenge in maintaining momentum in discussions on legal authorities from mid-October onwards. Al-Safi plans to be in Kuwait with family from October 13 - November 8, and we expect that, like many of our interlocutors, his campaigning for his seat in Basra may cause his frequent absence from the capital for the remainder of the year.

Satterfield